HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.27191 of 1998 &W.P.M.P. NO:21739 of 2007

9.8.2007

Between

V.Satyanarayana and others ..Petitioners

AND

The Godavari Fertilizers and Chemicals Ltd., and another ..Respondents

:: JUDGMENT ::

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P. No.27191 of 1998 & W.P.M.P. NO:21739 of 2007

The writ petitioners are seeking a declaration that the action of the first respondent – Godavari Fertilizers and Chemicals Limited in not providing employment to them notwithstanding the fact that the lands owned and belonged to them have been acquired to enable Di Ammonium Phosphate Plant manufacturing fertilizers of the first respondent to be established at Kakinada, is illegal. The lands of very small extents belonging to the petitioners have been acquired in terms of the Land Acquisition Act and Award dated 6.5.1978 fixing the compensation payable to them was passed and accordingly, the writ petitioners have all been paid compensation for the compulsory acquisition of their lands. It will be appropriate to notice at this stage that the lands belonging to the writ petitioners situate in Survey Nos.224/2 (part) of Vakalapudi Village.

Pursuing vigorously the industrialization policy, the State government had proposed to alienate vast extents of Government poramboke lands situate at Vakalapudi and Suryaraopet Village of Kakinada Taluq in favour of Nagarjuna Fertilizers and Chemicals Limited, a public sector undertaking fully owned by the State Government to enable it to set up a Fertilizers plant. In pursuance to this policy of the State Government, approximately Ac.178.55 of land has been handed

over to the aforementioned Nagarjuna Fertilizers and Chemicals. The land of an extent of Ac.119.64 situate in Survey Nos.255, 256 and 257 of Vakalapudi Village was forming part of this large chunk of Ac.178.55 handed over to Nagarjuna Fertilizers. Subsequently, the State Government passed orders through G.O.Ms.No.578, Industries and Commerce Department dated 1.10.1981 incorporating a new Company in the name and style of Godavari Fertilizers and Chemicals Limited for purposes of setting up Di Ammonium Phosphate manufacturing plant at Kakinada. Therefore, it had divested with the consent of Nagarjuna Fertilizers the land in an extent of Ac.144.64 cents and decided to hand over the same to the newly incorporated Godavari Fertilizers. However, the State Government had considered the proposal to rehabilitate the land oustees due to resumption of Government land, which stood assigned to them earlier. Therefore, the State Government had taken a decision to compensate the displaced assignees at the rate of Rs.300/- per family irrespective of the extent of land from out of which they were displaced. It was also decided that the newly formed Godavari Fertilizers and Chemicals Limited has to provide employment opportunities to the members of the families of the displaced assignees depending upon their qualifications and skills. The State Government passed orders in this regard through their G.O.Ms.No.307, Revenue B Department dated 28.3.1985. The Government have taken care to mention in detail the survey numbers of the lands situate in both Vakalapudi and Suryaraopet Villages which are sought to alienated and handed over to Godavari Fertilizers. The land situated in Survey

Nos.255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265 and 266 of a total extent of Ac.119.64, is what has been alienated in favour of the Godavari Fertilizers. Obviously, these are the lands owned by the Government. Some of them may have been assigned in the past in favour of the eligible beneficiaries. Unfortunately, the lands belonging to the writ petitioners are not situate in any of these survey numbers. As was already noticed supra, the lands belonging to the writ petitioners are situate in Survey No.224/2 (Part) and they were private patta lands. They are not lands assigned by the State Government. Hence, the writ petitioners have been paid compensation for the compulsory acquisition of their lands and I am therefore of the opinion that the cases of the writ petitioners are not covered by the beneficial scheme announced by the State Government through G.O.Ms.No.307, Revenue Department datsed 28.3.1985. The scheme announced by the State Government is only concerning the displaced assignees and not those whose lands have been compulsorily acquired for which compensation has been paid for. If there is any other benefit, which the State Government has proposed to confer upon the writ petitioners, it is open for them to press into service the same. Since the present case is rested only on the claim relating to G.O.Ms.No.307, I do not find any merit in the writ petition. It is accordingly, dismissed. No costs. I have therefore neither examined the issue relating to the maintainability of the writ petition against Godavari Fertilizers and Chemicals Limited, nor did I examine the effect of the said Company being taken over by a private enterprise called E.I.D. Parries Limited which Company was sought to be impleaded to this writ petition by

instituting W.P.M.P. NO.21739 of 2007 by the writ petitioners. In view of my findings, I do not consider it necessary or proper to order the W.P.M.P.No.21739 of 2007 and hence, it is also dismissed.

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NOOTY RAMA MOHANA RAO.J.

9.8.2007
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